IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4124 OF 2005

Shri. Vishal Motumal Dhakkan ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Nitin Jamdar for the Applicant.
Ms M. M. Deshmukh, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 13, 2005.

P.C.:

1. Report dated 08th September, 2005 of Dr. Alaka K. Deshpande of Department of Medicine, Grant Medical College and J.J.Hospital is placed on record. I have perused the said report. I have also perused the earlier report dated 23rd July, 2005 and order passed on 05th August, 2005.

2. The report dated 08th September, 2005 discloses that the Applicant is suffering from HIV decease with paraplegia. He has two big bed sores. As a result of paraplegia, he has loss of power and sensation below the waist. At one point of time the Applicant was admitted in general suregeory, Plastic Suregeory Department as he had developed a bed sores. It is stated that skin graft could not be successful and therefore, suregeons requested for his transfer to ward No.9B which is HIV ward in the J.J.Hospital. it is stated that regular dressing of the bed sore is been done. Moreover, it is stated that the Applicant is suffering from recurrent diarrhea and urinary tract infection. It is stated that he is being treated for

the said ailments. It is stated that considering the status of health of the Applicant, he needs extensive support therapy, nursing care and prompt treatment of various infections.

3. Considering the material on record, no case is made out for grant of bail. The provisions of Maharashtra Control of Organised Crimes Act have been applied to the Applicant and the case of the prosecution is that he is a member of Organised Crimes Syndicate headed by Chota Rajan.

4. Considering the precarious condition of health of the Applicant, he deserves to be treated as an indoor patient in the J.J. Group of Hospitals.

5. Hence, I pass the following order:

: O R D E R :

i) Prayer for bail is rejected.

ii) The Applicant will continue to be an indoor patient in the J.J. Group of Hospitals, Mumbai. He will be hospitalised in the said hospital till the concerned doctors certify that he is fit to go back to jail.

iii) At present the Applicant will be detained in HIV ward in the said hospital. However, the concerned doctors will be free to transfer him to any other ward considering the nature of the treatment which will be required to be given to him from time to time.

iv) The report dated 08th September, 2005 shows that the Applicant needs the extensive support therapy, nursing care and prompt treatment. It is expected of the Hospital Authorities that these aspects will be taken care of by them.

v) Liberty to the Applicant to apply in case of difficulty.

vi) Parties to act upon an authenticated copy of this order.

JUDGE